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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,354	03/09/2001	Steven A. Sunshine	185641008110	7440
20350	7590	11/03/2003	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			O CONNOR, GERALD J	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 11/03/2003				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/802,354</b>	Applicant(s) <b>Sunshine et al.</b>
	Examiner <b>O'Connor</b>	Art Unit <b>3627</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE one MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
  - 2a)  This action is FINAL.      2b)  This action is non-final.
  - 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims**
- 4)  Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) \_\_\_\_\_ is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims 1-55 are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-8, drawn to a data processing system for artificial intelligence comprising reasoning under uncertainty (e.g. fuzzy logic), classified in class 706, subclass 52.
  - II. Claims 9-14, drawn to a data processing system for database access comprising query augmenting and refining (e.g. inexact access), classified in class 707, subclass 5.
  - III. Claims 15-16, drawn to a data processing system for database and file management comprising object-oriented database structure, classified in class 707, subclass 103R.
  - IV. Claims 17-24, drawn to a method of data processing comprising generating database or data structure, classified in class 707, subclass 102.
  - V. Claims 25-30, drawn to a method of electrical communication by means of network signaling, classified in class 340, subclass 286.02.
  - VI. Claims 31-40, drawn to a data processing system for artificial intelligence comprising an analogical reasoning system, classified in class 706, subclass 54.
  - VII. Claims 41-46, drawn to a data processing system for database and file management comprising pattern matching query access, classified in class 707, subclass 6.
  - VIII. Claims 47-55, drawn to a data processing system for database and file management comprising display processing, classified in class 707, subclass 526.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions IV-V are each related to each of Inventions I-III and VI-VIII, as process and apparatus for its practice. The inventions are distinct if it can be shown that *either*: (1) the process as claimed can be practiced by another, materially different apparatus, or by hand, *or* (2) the apparatus as claimed can be used to practice another, materially different process. (MPEP § 806.05(e)). In this case, each of the processes as claimed can be practiced by another, materially different apparatus, such as by two telephones connected to a network.

Inventions I-III and VI-VIII are all related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this case: Invention I has separate utility from each of Inventions II and III, and, Invention VI has separate utility from each of Inventions VII and VIII, such as for use with retrieval of data from a database; Invention II has separate utility from each of Inventions I and III, and, Invention VII has separate utility from each of Inventions VI and VIII, such as for use with inputting data into a database; Invention III has separate utility from each of inventions I-II and VI-VIII, such as for use in providing data structure for data to be stored in a database; Invention VIII has separate utility from each of Inventions I-III and VI-VII, such as for providing a graphical user interface to the database of Inventions I-III and VI-VII; and, Inventions I-II each have separate utility from, respectively, each of Inventions VI-VII, such as for use manually, without any computer program product stored on a computer-readable storage medium. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was placed to Mr. Joseph R. Snyder (Reg. N<sup>o</sup> 39,381), attorney for applicant, on October 24, 2003, to discuss an oral election to the above restriction requirement, but the call did not result in an election being made.

5. Applicant is advised that the reply to this requirement, to be complete, *must* include an election of the invention to be examined, even if the requirement be traversed (37 CFR 1.143).

### ***Conclusion***

6. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(703) 305-1525**, and whose facsimile number is **(703) 746-3976**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

Inquiries of a general nature or simply relating to the status of the application should be directed to the receptionist, whose telephone number is **(703) 308-1113**.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski, can be reached at **(703) 308-5183**.

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Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (703) 872-9306 (fax-back auto-reply receipt service provided).** Mailed replies should be addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231." Hand delivered replies should be left with the receptionist on the seventh floor of Crystal Park Five, 2451 Crystal Dr, Arlington, VA 22202.

GJOC

October 24, 2003

 10-24-03

Gerald J. O'Connor

Patent Examiner

Group Art Unit 3627